

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED - GR
November 28, 2022 1:20 PM
CLERK OF COURT
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY:JMW SCANNED BY: *KB 11-28*

DONNIE BOBO,
Plaintiff,

1:22-cv-1122
Sally J. Berens
U.S. Magistrate Judge

Hon.

-v-

STEVEN ERICSONS,
Defendant,

CIVIL RIGHTS COMPLAINT
FOR MONETARY DAMAGES

Jurisdiction:

1. This civil rights complaint is brought pursuant to 42 USC § 1983; Eighth Amendment Deliberate Indifference: ADA (42 USC § 12132); Rehabilitation Act (29 USC § 79a), to remedy the deprivations of officials acting under the color of state law; rights secured by the United States Constitution, Federal and State law; seeking monetary damages.
2. This court has jurisdiction over this action pursuant to 28 USC §§ 1331 and 134(a).
3. This court has supplemental jurisdiction over the state law claims pursuant to 28 USC § 1367(a).

Parties:

4. In support of this civil rights complaint, Plaintiff alleges and complains against Defendant as follows:
5. Plaintiff Donnie Bobo (herein after known as "Plaintiff"), is a state prisoner under the jurisdiction and control of the Michigan Department of Corrections (herein after known as "MDOC") at all times relevant to this lawsuit, Plaintiff was confined at the Lakeland Correctional Facility (herein after known as "LCF"), located at 141 First Street, Coldwater, Michigan 49036.
6. Defendant Steven Ericsons is an employee of the "MDOC". At all times relevant to this lawsuit, he was employed as a Dentist at ("LCF"), located at 141 First Street, Coldwater, Michigan 49036. He is sued in his individual and official capacity.

FACTUAL ALLEGATIONS

7. Plaintiff has a documented medical history of Hip Surgery, Sciatica Nerve damaged in his lower back, preparing for that upcoming procedure as well too; The excruciating pain with his wisdom tooth being pulled on 6-27-22, by the Defendant Steven Ericsons. The Defendant couldn't pull the other tooth, due to the Defendant stated I needed to see a " Specialist ", I have been in excruciating pain for a great amount of pain, since this process had started.
8. On 9-6-22, Plaintiff went back to health care to see the Defendant to have 2 teeth filled, and correct and strengthened. But that never did happened. The Defendant Ericsons informed me that my teeth would be

very sensitive for 6 months, to eat anything.

9. On 9-13-22, Plaintiff went back to health care to be seen by the Defendant Ericsons, to correct the problem he had created with my mouth being in so much excruciating pain constantly.
10. On 9-20-22, Plaintiff had his unit officer, C/O Dixen, to call over to health care, due to the pain was ongoing and overwhelming to bear, since the last time I saw the Dentist on 9-13-22.
11. On 9-20-22, Defendant Ericsons, was called in to look over the Plaintiff mouth, for his excruciating pain. However the Defendant Ericsons, wasn't professional towards the Plaintiff health and his needs and his concerns with his mouth.
12. Defendant Ericsons, became loud and angry towards the Plaintiff placing his hand directly in the Plaintiff face, looking for a conflict with the Plaintiff. However, health care officer had to intervene, and admonished the Defendant Ericsons, for placing his hands directly in the Plaintiff face.
13. On 9-20-22, Plaintiff filed a grievance on the Defendant for his actions towards the Plaintiff, for causing more intentional and infliction on the Plaintiff, without giving the Plaintiff anything for his excruciating pain.
14. On 10-3-22, Plaintiff went back to health care to be seen by the Defendant, And Dr. Ericsons, finally gave the Plaintiff some Meds. Amoxicillin (Trimox) 500 mg. From 10-3-22 through 10-14-22; After the Plaintiff filed an grievance concerning this manner.

15. On 10-3-22, Defendant Ericsons informed, Plaintiff that he needed to see a specialist, concerning his left side teeth; An he was placing a 407 for approval. And as of 11-15-22 Plaintiff hasn't seen any specialist as of yet! But still experiencing so much excruciating pain constantly.
16. As a result of Defendant Steven Ericsons malicious and reprehensible actions, Plaintiff suffered from mental and emotional distress, in having to be counseled by a prison case manager, due to its so hard to eat anything. Plaintiff teeth are so sensitive.
17. In 2002, Plaintiff was convicted and sentenced to serve a prison term of 35 years to 70 years. In the Michigan Department of Corrections.

LEGAL CLAIMS

18. Defendant's acts, omissions, rules, policies, and practices, as set for in paragraph 7 through 16, violated Plaintiff rights, under the American's with Disabilities Act (ADA), and the Eighth Amendment Clause to the United States Constitution, Federal and States Laws.

First Cause of Action

19. Defendant's Ericsons actions violated Federal law, by his causing Plaintiff mental and emotional distress, as set forth in this complaint.

Second Cause of Action

20. Defendant Ericsons actions violated Federal law, by he deliberate indifference in denying Plaintiff medical treatment, and abusing his authority, as set forth in this complaint.

Third Cause of Action

21. Defendant Ericsons actions violated State law, by his gross negligence of depriving Plaintiff of medical treatment, as set forth in this complaint.

Fourth Cause of Action

22. Defendant Ericsons actions violated Federal law, pursuant to the rehabilitation act of 1973 (29 USC 79a), as set forth in this complaint.

Fifth Cause of Action

23. Defendant Ericsons actions violated State law, by his causing Plaintiff intentional infliction of emotional distress as set forth in this complaint.

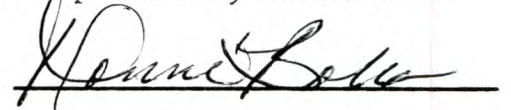
RELIEF REQUESTED

Wherefore, Plaintiff request that this court grant the following:

- A) Issue a declaratory judgment that Defendant's acts, omissions, rules, policies, and practices, violated Plaintiff's rights under the United States Constitution, Federal and States laws.
- B) Award Plaintiff compensatory damages against defendant, in the amount of Ten-Thousand Dollars (\$10,000.00), as a result of the deliberate indifference, discrimination, mental and emotional distress, and gross negligence.
- C) Award Plaintiff punitive damages in the amount of One-Hundred Thousand Dollars (\$100,000.00), as a result of defendant's reprehensible, malicious and callous conduct.
- D) Grant Plaintiff his cost, expenses and interest on any judgment awarded, including but not limited to reasonable attorney fees.

Date: 11-18- 2022

Respectfully Submitted



Donnie Bobo #186601

Plaintiff in Pro Se

Lakeland Corr. Facility

141 First Street

Coldwater, MI 49036

AFFIRMATION

I affirm under penalty of perjury, that the above facts are true and correct, to the best of my knowledge, information and belief.

Date: 11-18-2022

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Donnie Bobo", is written over a horizontal line.

Donnie Bobo # 186601

Plaintiff in Pro Se

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONNIE BOBO,
Plaintiff,

Case No.
Hon.

-v-

STEVEN ERICSON,
Defendant,

DEMAND FOR JURY TRIAL

NOW COMES, Donnie Bobo, acting in pro se, demands his
rights to trial by jury, pursuant to Fed.R.Civ.P. 38(b).

Date: 11-18 2022

Respectfully Submitted



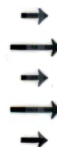
Donnie Bobo # 186601
Plaintiff in Pro Se



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RICT COURT
DIVISION
BLDG.
ST., N.W
, MI 49503



DONNIE BOBO # 186601 B-1-50
LAKELAND CORRECTIONAL FACILITY
141 FIRST STREET
COLDWATER, MICHIGAN 49036

WESTERN DISTRICT
THE SOUTHERN
399 FEDERAL
110 MICHIGAN
GRAND RAPIDS